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| 09/748,947      | 12/27/2000  | Frank Dumont         | PA000001            | 6473             |

7590 08/24/2005  
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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,947

Applicant(s)

DUMONT ET AL.

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/07/2005</u> | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 11-26 have been considered but are moot in view of the new ground(s) of rejection.

The drawings filed on 3/07/2005 are now acceptable by the examiner.

***Response to Arguments***

2. With respect to the Logan reference, applicant's arguments filed 03/07/05 have been fully considered but they are not persuasive.

The applicant argue that Logan fails to teach the multiplexer is coupled to the decoder (8) of Logan in pages 9, 10, and 11 of the remarks. The examiner respectfully disagrees. Logan teaches that the multiplexer (in fig. 1 the switching node (3)) is coupled to the decoder (decompressor (8) in fig. 1) indirectly using the memory system (5) of Logan.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a signal from the encoder is able to be communicate directly to the decoder without prior recording (page 11 lines 3-5 in the remark) ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The applicant failed to claim the signal from the encoder is coupled directly to the decoder. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore rejection of claims 11-23, 25, and 26 under 102 (b) in view of Logan is maintained.

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4. Applicant's arguments with respect to claims 21 and 24 under Ochi have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rigatti (US Pat. No. 6,614,984).

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 11-23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan (US 5,371,551).

Regarding claims 11 and 17, Logan discloses a digital video system using concurrent recording and playback, comprising:

an encoder of a first analog signal into a first digital stream (see Fig.1, 4B and 4C; col. 3 lines 8-11; col. 4 line 14-25);

a decoder of a second digital stream into a second analog signal (see Fig.1, Decompressor 8; col. 3 line 20-27);

a medium interface for reading and recording on a medium (see Fig.1 memory system 5; col.3 line 16-20);

at least one digital source outputting a third digital stream (see Fig.1 RF tuner 4A see col.3 line 60-63);

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a multiplexer coupled to the encoder and to the decoder and to the digital source and to the medium interface (see Fig.1 a switching node 3 col.3 line 8-11). It is inherent that the multiplexer must comprise a first switch, which selectively couples the decoder to the encoder or to the digital source.

Regarding claims 12 and 18, Logan shows in figure 1 the multiplexer (the switching node 3), which selectively couples the medium interface (memory system 5) to the encoder (input signal processing unit 12). It is inherent that the switching node (3) comprises a second switch which selectively couples the memory system (5) to the input signal processing unit (12).

Regarding claims 13, 16, and 19, Logan shows that the switching node(3) selectively couples the decoder (see Fig.1, Decompressor 8 col. 3 line 20-27) to the encoder(see Fig.1, 4B and 4C col. 3 lines 8-11; col. 4 line 14-25), to the digital source, (see fig.1 RF tuner 4A and col.3 line 60-63), to the transcoder(see fig.1 compressor, 4D and col. 3 line 68-70) or to the medium interface(memory system 8; see col.3 line 25-28).

Regarding claim 14, Logan teaches a transcoder receiving a fourth digital stream is coupled to the multiplexer (see fig.1 compressor 4D, and col. 3 line 69).

Regarding claim 15, Logan shows in Fig.1 that the second switch (the switching node 3) connects the medium interface (see fig.1, memory system 5) to the encoder (see fig. 1 the compressed RF tuner 4B and 4C), to the digital source (see fig.1 4A) or to the transcoder (see fig1. compressor 4D).

Regarding claims 20 and 22, Logan teaches that the digital encoder coupled to a tuner for receiving analog signals (see col. 3 line 60-63).

Regarding claim 21, Logan teaches a digital video recorder comprising an encoder of a first analog signal into a first digital stream (see fig. 1, compressor 4B and 4C and col.3 line 63-67);  
a medium interface (see fig. 1 memory system (5)) for reading a second digital stream (see fig. 5 memory (1) and a connection to second format controller (4) and to the switch (14)) on a medium (see col. 3 line 65-col. 4 line 20);  
a decoder (see fig.1, decompressor 8 and col.3 line 20) means for allowing the decoder to decode the first digital stream or the second digital stream into a second analog stream (see col. 3 line 11-24).

Regarding claim 23, Logan teaches that the second analog signal is sent to a display (see col. 3 line 20 and fig. 1 where it shows output from (8) to (10)).

Regarding claim 25, Logan teaches means for allowing the first digital stream (see fig. 1. RF tuner 4A in box 12, input signal processing unit) to be recorded on the medium by the medium interface (fig.1, memory 5 see col.3 line 24-27).

Regarding claim 26, Logan teaches in figure 1 a second switch (switching node 3) has an input connected to the encoder (signal processing unit 12) and an output connected to the medium interface (memory system 5).

7. Claims 11, 17, 21 and 24 are rejected under 35 U.S.C. 102 (e) as being anticipated by Rigatti (US Pat. No. 6, 614,984).

Regarding claim 11, Rigatti discloses a digital video recorder comprising an encoder of a first analog signal into a first digital stream (see fig.5, A/D (5) and col. 3 lines 49-51);

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a decoder of a second digital stream into a second analog signal (see fig. 5 analog output (8) and input/ output port (12) and col. 4 lines 3-12);

a medium interface for reading and recording on a medium (see fig. 5 memory (1) and col. 3 lines 38-47);

at least one digital source outputting a third digital stream (see col. 3 lines 47-49 and fig. 5 digital input (15)); and

a multiplexer coupled to the encoder and to the decoder and to the digital source and to the medium interface (see fig. 5 switch (14), is coupled to the A/D (5), Input/output port (12), D/A (18), memory (1), and col. 3 lines 48-64 and col. 4 lines 3-12),

the multiplexer comprises a first switch, which selectively couples the decoder to the encoder or to the digital source ( see col. 3 line 65-col. 4 line 20).

Regarding claim 17, Rigatti discloses a digital video recorder comprising a digital encoder (see col. 3 lines 49-51 and fig. 5 A/D (5));

a digital decoder (see col. 4 lines 3-12 and see fig. 5 analog output (18) and input/ output port (12));

a medium interface for reading and recording on a medium (see fig. 5 memory (1) and col. 3 lines 38-47);

a multiplexer (switch 14 in fig. 5) coupled to the encoder and to the decoder and to the digital source and to the medium interface (see fig. 5 switch (14), is coupled to the A/D (5), Input/output port (12), D/A (18), memory (1), and col. 3 lines 48-64 and col. 4 lines 3-12), the multiplexer having a first switch which couples the digital decoder with the digital encoder (see col. 3 line 65-col. 4 line 20).

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Regarding claim 21, Rigatti discloses a digital video recorder comprising an encoder of a first analog signal into a first digital stream (see fig.5, A/D (5) and col. 3 lines 49-51);

a medium interface for reading a second digital stream on a medium (see fig. 5 memory (1) and a connection to second format controller (4) and to the switch (14), and see col. 3 line 65- col. 4 line 20);

a decoder (see col. 4 lines 3-12 and see fig. 5 analog output (18) and input/ output port (12));

a means for allowing the decoder to decode the first digital stream or the second digital stream into a second analog stream (see fig. 5 digital input (15), input/output port (12), D/A analog output (18) and col. 3 lines 41-49 and col. 4 lines 3-12).

Regarding claim 24, Rigatti discloses a first switch (see output from A/D (5) and input to switch (14) in fig. 5) has a first input connected to the encoder (see col. 3 lines 49-54), a second input connected to the medium interface (see input from second format controller (4) in fig. 5 and col. 4 lines 13-20) and an output connected to the decoder (see analog output (18), D/A (6), or input/output port (12) in fig. 5 and col. 4 lines 6-12).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Roth et al (US PAT. NO. 5,581,529) discloses a recording unit for recording either an analog, digital or optical input comprises a switching unit which selectively record one of the three signals.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU, HELEN whose telephone number is 571 272 7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Yen Vu can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru

August 22, 2005

  
NGOC-YEN VU  
PRIMARY EXAMINER